

FILED
Clerk
District Court

JUN 16 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

CIVILLE & TANG
2nd Floor, Cabrera Center
PMB 86, P.O. Box 10003
Saipan, MP 96950-8908
Telephone: (670) 235-1725
Facsimile: (670) 235-1726

Attorneys for Defendant Justice Alexandro C. Castro

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW,

Plaintiff,

vs.

COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS
(hereafter referred to as the CNMI),
NICOLE C. FORELLI, former Acting
Attorney General of the CNMI, in her
personal/individual capacity; WILLIAM C.
BUSH, former Assistant Attorney General
of the CNMI, in his personal/individual
capacity; D. DOUGLAS COTTON;
former Assistant Attorney General of the
CNMI, in his personal/individual capacity;
L. DAVID SOSEBEE, former Assistant
Attorney General of the CNMI, in his
personal/individual capacity; ANDREW
CLAYTON, former Assistant Attorney
General of the CNMI, in his
personal/individual capacity; Other
UNKNOWN and UNNAMED person or
persons in the CNMI, in their personal/
individual capacity; ALEXANDRO C.
CASTRO, former Justice ProTem of the
CNMI SUPERIOR COURT, in his
personal/individual capacity; PAMELA S.
BROWN, former Attorney General of the
CNMI; in her personal/individual capacity;
ROBERT A. BISOM; and JAY H.
SORENSEN.

Defendants.

CIVIL ACTION NO. 05-0027

**DECLARATION OF ATTORNEY G.
PATRICK CIVILLE IN SUPPORT OF
DEFENDANT ALEXANDRO C. CASTRO'S
RESPONSE TO PLAINTIFF'S NOTICE TO
COURT TO CORRECT THE RECORD**

ORIGINAL

1 I, **G. PATRICK CIVILLE**, certify as follows:

2 1. I make this declaration based upon my personal knowledge of the facts stated
3 herein.

4 2. I am an attorney licensed to practice law in the Commonwealth of the Northern
5 Marianas Guam and am employed by the law firm of Civile & Tang. I am attorney representing
6 Defendant Alexandro C. Castro in the above-captioned matter.

7 3. On April 14, 2006, Defendant Castro, through the undersigned counsel, filed by
8 facsimile a motion requesting an extension of time to file an answer to Bradshaw's Second
9 Amended Complaint. I filed an errata to the *Ex Parte* Motion on April 17, 2006.

10 4. In the Motion to Extend, Defendant Castro, acting through myself as his attorney
11 of record, represented that I received Bradshaw's Amended Complaint in the mail in my law
12 firm's CNMI office address on April 13, 2006, which was sent via overnight mail to my office
13 address on Guam on April 13, 2006, and received by my Guam office on April 14, 2006.

14 5. My representations of the dates the Complaint was received were not
15 misstatements.

16 6. On April 12, 2006, my Guam office received the faxed copy of an Order, filed on
17 April 10, 2006 in the CNMI District court, from the Teker, Torres & Teker law firm. *See* Exhibit
18 A, attached hereto. The Order grants an extension of time to file a responsive pleading to several
19 of the defendants in this matter. *See id.* As indicated on the top portion of the Order, it appears
20 that on April 10, 2006, the Court mistakenly faxed a copy of the Order to the Teker law firm, and
21 not the Civile & Tang law firm. *See id.* As also indicated on the top portion of the Order, the
22 Teker law firm faxed the order to my Guam law office on April 12, 2006. *See id.*

23 7. After reviewing the April 10, 2006 Order, I realized that a complaint must have
24 been filed in this matter. As we had not received a complaint, I instructed my assistant, Ms.
25 Mary Cruz, to contact Mr. Kerishnan Samy Naidu, an employee in my CNMI office, to determine
26 whether a complaint was mailed to our CNMI office address, P.O. Box 10003, PMB 86, Saipan,
27 MP 96950.

28 8. On April 13, 2006, Mr. Naidu responded to my assistant, stating that he checked

1 our CNMI post office box on that day, and in fact received a package containing a Second
2 Amended Complaint. My assistant requested that he send the package to my Guam office by
3 overnight mail.

4 9. On April 14, 2006, I received the package containing Plaintiff Bradshaw's
5 Second Amended Complaint, delivered by DHL to my Guam Office address, 330 Hernan Cortes
6 Ave., Ste. 200, Hagatna, Guam 96910. *See* Exhibit B, attached hereto.

7 10. The DHL label indicates that it was sent from the CNMI to my Guam office
8 address on April 13, 2006. *See* Exhibit A, attached hereto.

9 11. A true and correct copy of the Court's faxed copy of an Order, filed April 10,
10 2006, is attached hereto as Exhibit A.

11 12. A true and correct copy of a DHL receipt label, dated April 13, 2006, is attached
12 hereto as Exhibit B.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Respectfully submitted this 12th day of June, 2006.

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18 G. PATRICK CIVILLE
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EXHIBIT A

Apr-25-2006 14:00

Case 1:05-cv-00027 From US DISTRICT COURT, NMI

Document 136

Filed 06/16/2006

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P.001/001

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APR 25 2006

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW,

Plaintiff,

vs.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, NICOLE C. FORELLI,
WILLIAM C. BUSH, D. DOUGLAS COTTON, L.
DAVID SOSEBEF, ANDREW CLAYTON,
UNKNOWN AND UNNAMED PERSONS IN THE
CNMI OFFICE OF THE ATTORNEY GENERAL,
ALEXANDRO C. CASTRO, JOHN A. MANGLONA,
TIMOTHY H. BELLAS, PAMELA BROWN,
ROBERT BISOM, and JAY H. SORENSEN,

Defendant.

Case No. CV-05-0027

ORDER SETTING HEARING

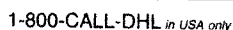
A hearing is scheduled for May 25, 2006, at 9:00 a.m. for plaintiff Bradshaw's motions to enter a default judgment against defendants Sosebee, Clayton, Bisom, and Sorensen.

IT IS SO ORDERED.

DATED this 25th day of April, 2006.


ALEX R. MUNSON
Judge

EXHIBIT B



Shaded Air Waves

839 0015 196

ORIGIN

DESTINATION CODE

Guha

1 Payer account number and shipment value protection details

Check	<input type="checkbox"/>	Check
Check	<input type="checkbox"/>	Check
Check	<input type="checkbox"/>	Check

2 From (Shipper)

Shopper's Account Number 9806B9	Date K. [illegible]
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SECRET

04-020-100-110

10/20/56
10/20/56

Page 1 of 1

3 To (Receiver)

LAW OFFICE OF CIVILLE & TANG

Mrs Mary Carey

#1175 Cwille & TANG
330 H... ..

STE 2, HAGATNA, GUAM

Country USA

Post/ZIP Code (required)

Phone, Fax, or E-mail (required) 24

4. Shipment Details

5 Full Description of Contents

6 Dutiable Shipments Only (Customs requirement)

Destination Duties/Taxes If left blank, Receiver pays duties/taxes.

☐ Receiver ☐ Shiner ☐ Other

☐ Receiver ☐ Shipper ☐ Other Party Specify approved account number

The commodities, technology or software to be exported from the U.S. are in compliance with the U.S. Bureau of Export Administration. Diversion to countries contrary to U.S. law prohibited.

7 Shipper's Authorization (signature required)